



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

CPSC/DEC OF THE SECRETARY

2001 JUN 25 P 3:33

BALLOT VOTE SHEET

DATE: June 20, 2001

TO: The Commission
Todd A. Stevenson, Acting Secretary

FROM: Michael S. Solender, General Counsel *MS*
Stephen Lemberg, Assistant General Counsel for Regulatory Affairs *SL*
Lowell F. Martin, Attorney-Regulatory Affairs Division *LM*

SUBJECT: Draft *Federal Register* Notice Requesting Comment on Petition HP 01-3
Requesting Ban on Use of Chromated-Copper-Arsenate ("CCA") Treated Wood
in Playground Equipment.

Ballot Vote Due: JUL 3, 2001

The Office of the General Counsel has docketed, as a petition for rulemaking under the Federal Hazardous Substances Act (FHSA) (Petition No. HP 01-3), a submission from the Environmental Working Group ("EWG") and the Healthy Building Network ("HBN") insofar as the submission requests that the Commission issue a ban on use of chromated-copper-arsenate ("CCA") treated wood in playground equipment. The Office of the Secretary has provided the Commissioners with copies of the petition and a memorandum from this office concerning the petition.

In accordance with Commission Directive 0605.0 on procedures for petitions, the Office of the General Counsel has prepared the attached draft notice that, if approved by the Commission, would invite _____ for a period of sixty (60) days from the date of publication of the notice in the *Federal Register*. The Office of Hazard Identification and Reduction recommends that the Commission seek public comment on the petition (Option I)

Please indicate your vote on the following options.

I. Approve the *Federal Register* notice as drafted.

(Signature)

(Date)

NOTE: This document has not been reviewed or accepted by the Commission.

Initial *rh* Date *6/22/01*

Page 1 of 2

CPSA 6 (b)(1) Cleared

____ No Mfrs/PrvtLbrs or
Products Identified
____ Excepted

II. Approve the draft *Federal Register* notice with the following changes (please specify).

(Signature)

(Date)

III. Do not publish a *Federal Register* seeking comment on this petition.

(Signature)

(Date)

Attachment - Draft *Federal Register* notice

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Billing Code 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

Petition HP 01-3 Requesting a Ban on Use of Chromated-Copper-Arsenate ("CCA") Treated Wood in Playground Equipment

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Commission has received a submission that contains a request that the Commission ban use of chromated copper arsenate ("CCA") treated wood in playground equipment. This request has been docketed as petition under number HP 01-3 under the Federal Hazardous Substances Act ("FHSA"). The Commission solicits written comments concerning the petition.

DATES: The Office of the Secretary must receive comments on the petition by [insert date 60 days after publication in the **Federal Register**].

ADDRESSES: Comments on the petition, preferably in five copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 504-0800, or delivered to the Office of the Secretary, Room 501, 4330 East-West Highway, Bethesda, Maryland 20814. Comments may also be filed by facsimile to (301) 504-0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned "Petition HP 01-3, Petition for Ban on Use of CCA Treated Wood in Playground Equipment." A copy of the petition is available for inspection at the Commission's

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Public Reading Room, Room 419, 4330 East-West Highway,
Bethesda, Maryland.

FOR FURTHER INFORMATION CONTACT: Rockelle Hammond, Office of
the Secretary, Consumer Product Safety Commission,
Washington, D.C. 20207; telephone (301) 504-0800, ext. 1232.

SUPPLEMENTARY INFORMATION: The Commission has received
correspondence from the Environmental Working Group ("EWG")
and the Healthy Building Network ("HBN") requesting that it
issue a ban on use of chromated-copper-arsenate ("CCA")
treated wood in playground equipment. The petitioners
assert that a ban is necessary because "[r]ecent research
has shown that arsenic is more carcinogenic than previously
recognized, that arsenic is present at significant
concentrations on CCA-treated wood and in underlying soil,
that the health risks posed by this wood are greater than
previously recognized, and that past risk assessments were
incomplete."

The Commission is docketing the request for a ban as a
petition under provisions of the Federal Hazardous
Substances Act ("FHSA"), 15 U.S.C. §§ 1261-1278.

The submission also requests that the Commission review
the safety of CCA-treated wood for general use. This
request has not been docketed as part of the petition
because this action does not require rulemaking. (The
request for a review will be considered separately by the
CPSC's Office of Hazard Identification and Reduction.)

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Interested parties may obtain a copy of the petition by writing or calling the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504-0800. A copy of the petition is also available for inspection from 8:30 a.m. to 5 p.m., Monday through Friday, in the Commission's Public Reading Room, Room 419, 4330 East-West Highway, Bethesda, Maryland.

Dated:

Todd A. Stevenson, Acting Secretary
Consumer Product Safety Commission